

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|---|---|-----------------------|
| Melvin Middleton, |) | |
| |) | C/A No. 2:07-2149-JFA |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| Jon Ozmint; Stan Burt; Adrian Martell; R. Reeves; |) | |
| Robert Ward; Fred Thompson; Thierry Nettles; |) | |
| Tim B. Roof; Gilbert Emrehein; NFN Williams; |) | |
| J. Powell; Yvette Blowe, |) | |
| |) | |
| Defendants. |) | |

Plaintiff, a prisoner proceeding *pro se*, signed a complaint filed pursuant to 42 U.S.C. § 1983 concerning prison conditions at Lieber Correctional Institution, a facility of the South Carolina Department of Corrections. Plaintiff was one of several hundred signatories to the complaint. On July 6, 2007, this Court issued an Order denying the request for certification of class action in *Lilly v. Ozmint*, 2:07-1700-JFA, and directing that the multiple plaintiff case be separated into individual cases for each plaintiff. [Docket # 1]. By Order filed August 8, 2007, Plaintiff was given an opportunity in this case to present his individual claims against the named defendants by filing an Amended Complaint. Plaintiff was warned that failure to provide the necessary information within the timetable set forth in the Order would subject the case to dismissal. The time to comply with the Order and provide necessary information for evaluation of this case has now lapsed. Plaintiff has failed to pursue and prosecute his case.

This case is dismissed *without prejudice* pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962)(District Court has inherent power to

sua sponte dismiss case for lack of prosecution).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.
United States District Judge

September 18, 2007.
Columbia, South Carolina